

### **REMARKS/ARGUMENTS**

The Appellants have carefully considered this application in connection with the Decision on Appeal of the Board of Patent Appeals and Interferences. Inasmuch as the Board expressed a new ground for rejection of Claims 1-3, the Appellants hereby respectfully request that prosecution be reopened in accordance with 37 C.F.R. § 41.50 (b)(1) and that the Examiner issue a Notice of Allowance for Claims 2-4, 6-7 and 11-12 in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-10 in the application and previously added Claims 11 and 12. The Applicants have amended Claims 2, 4 and 6 and have canceled Claims 1, 5 and 8-10. Accordingly, Claims 2-4, 6-7 and 11-12 are currently pending in the application.

#### **I. Rejection of Claims 1-3 under 35 U.S.C. §102**

The Board rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,641,946 to Shim. As stated by the Board, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. (Decision on Appeal, page 4).

The Appellants have canceled Claim 1 and amended Claims 2 and 3 to depend on previously allowed Claim 11. Claim 11 is not anticipated by Shim, because it contains limitations the Examiner previously indicated were allowable. Therefore, Shim can not be an anticipating reference for Claims 2 or 3, each of which depend on Claim 11. Accordingly, upon reopening prosecution of this application, the Appellants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

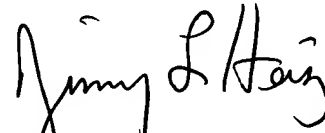
## II. Conclusion

In view of the foregoing amendment and remarks, the Appellants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit the Examiner to issue a Notice of Allowance for Claims 2-4, 6-7 and 11-12.

The Appellants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read "Jimmy L. Heisz". The signature is fluid and cursive, with the first name "Jimmy" and last name "Heisz" clearly distinguishable.

Jimmy L. Heisz  
Registration No. 38,914

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800